

## REMARKS

Claims 1-27 and 29 were examined in the outstanding final office action mailed on 08/06/2008 (hereafter "Outstanding Office Action"). All the claims were rejected. In particular, the Examiner maintains the rejection of independent claims 1, 16, and 23 under 35 U.S.C. 102(a) as being anticipated by USP Number 6549643 B1 issued to Toklu *et al* (hereafter "Toklu").

Without acquiescing to any of the Examiner's contentions, Applicants respectfully traverse.

In particular, the Examiner had stated that:

Re claim 16, the Applicant contends that steps 302-306 utilize histograms representing visual content, not any difference of the visual content. While the Examiner agrees that the cited steps do not reflect differences between frames, the Examiner respectfully disagrees with the Applicant's assertion that Toklu fails to teach or suggest this aspect. Toklu discloses that camera motion information between consecutive frames of the segment is estimated (Toklu: Fig. 2B, step 212; column 8, lines 3-8). Therefore, the camera motion corresponds to the difference between two frames. Toklu further discloses sequentially determining **a cumulative sum of motion in the frame** (Toklu: Fig. 2B, step 219; column 10, lines 23-47), **wherein the amount of motion corresponds to a rate of change in the frame.** (Page 2 Paragraph 3 of Outstanding Office Action, **Emphasis Added**)

At least the above quoted portion of Toklu does not anticipate the various presented independent claims.

In particular, Applicants disagree with equating the sum of camera motion with the claimed rate of change.

To illustrate the basis for the disagreement with a hypothetical example, it is first assumed arguendo that the claimed visual contents of the current frame, first frame and the second frame equal 4, 5 and 8 respectively. Thus, the claimed first value and the second value would respectively equal 1 and 3. Thus, the claimed rate would equal 2 (difference of 3 and 1). Thus, if 2 is exceeds a threshold value, the current frame is selected as a potential key video frame.

On the other hand, for similar information as above, it is believed that the Examiner is alleging that step 212 would also compute 1 and 3 above, similar to in claim 16. However, step 219, would perform a sum of 3 and 1 (equaling 4) and checks in one of steps 220-224 whether 4 (not 2 as in the invention of claim 1) exceeds a corresponding threshold.

In general, Toklu would add the respective sequence of values for each of the three parameters (Panning, Tilting and Zooming), and select a frame as a key frame when the cumulative sum for one of the parameter exceeds the corresponding threshold. The cumulative sums are thereafter reset to zero (see column 10, line 45 of Toklu).

As a result, for example, when an image is changing gradually (say, same amount of **change** consistently between successive frames), Toklu would operate to select the frames at uniform frequency, while independent claim 1 would have a rate equal to close to zero and thus would not select frame by the operation of the claimed elements there.

From the above, it should be appreciated that the flowchart of Figure 2B of Toklu relied upon by the Examiner uses a fundamentally different approach than that claimed in previously presented claim 1. The flowchart of Figure 2 would select a different set of frames as key frames compared to the invention of claim 1 at least in several circumstances.

Previously presented independent claim 1 is accordingly allowable over the art of record. Previously presented independent claims 16, 23 and 29 are also allowable over the art of record for similar reasons. The dependent claims are allowable at least as depending from corresponding allowable base claims.

New independent claim 29 is allowable for the additional reason in reciting that the sequence of frames are of the **same scene/area of interest**. In sharp contrast, Figure 2B of Toklu, relied upon by the Examiner in rejecting claim 29, relies on estimation of parameters related to camera movement (panning, tilting, zooming, and rotational motion noted in Col. 8 lines 15-17), The camera movement obviously would capture different scenes and thus claim 29 is not anticipated by the portions of Toklu relied upon by the Examiner.

The Examiner appears to have overlooked Applicant's argument with respect to claim 29 in the previous response. The Examiner is respectfully requested to address the specific feature pointed above in the next Office Action.

*Conclusion*

Thus, all the objections and rejections are believed to be overcome and the application is believed to be in condition for allowance. The Examiner is invited to telephone the undersigned representative at 707.356.4172 if it is believed that an interview might be useful for any reason.

Respectfully submitted,  
/Narendra Reddy Thappeta/

Signature

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Printed Name: Narendra Reddy Thappeta  
Attorney for Applicant  
Registration Number: 41,416